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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,927	07/24/2001	Felix Henry	1807.1618	3539
5514	7590	04/29/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LAROSE, COLIN M	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/910,927	HENRY ET AL.	
	Examiner	Art Unit	
	Colin M. LaRose	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Arguments and Amendments

1. Applicant's amendments and arguments filed 19 November 2004, have been entered and made of record.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

This objection has been maintained despite Applicant's removal of "http://" from the hyperlink. Links to websites are not generally allowed in patent specifications because the contents of websites are modified and updated at any time, as opposed to printed publications, which do not change. While the link www.jpeg.org/cd15444-1.jpg may have been operative at the time of filing in July of 2001, the Examiner is unable to retrieve it. It may have been changed, moved, or completely removed since 2001. If Applicant wishes the Examiner to consider the information therein, supplying a printed copy of the website and including it in an information disclosure statement would be the proper course of action.

Information Disclosure Statement

3. The information disclosure statement filed 24 July 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the

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content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered:

German Patent 35 18 301 A1.

The above German patent has not been considered despite Applicant's citing of MPEP § 609. The cited passage of the MPEP states that, "the requirement for a concise explanation of relevance [of a foreign-language document] can be satisfied by submitting an *English*-language version of the search report or action which indicates the degree of relevance found by the foreign office." The French search report submitted by Applicant in which the aforementioned German patent is cited is written in French rather than English. Therefore, a concise explanation of the patent or the English version of the French search report is required in order for the German patent to be considered.

Response to Amendments and Arguments

4. Applicant's arguments regarding claims 1 and 7 have been fully considered but they are not persuasive for at least the following reasons.

Regarding claims 1 and 7, Applicant argues that Tyler does not disclose, "activating an indication of the end of decoding of the region of interest," as claimed (see Applicant's Remarks, pp. 10-11). In particular, Applicant asserts that, after Tyler detects the end of decoding of a region of interest at block 310 in figure 13, the "YES" result, which prompts the loading of additional region descriptors at block 312, is not an "indication"; rather, Applicant asserts that the YES and NO results are merely logical alternatives, not indications, and "there is nothing in Tyler et al. to suggest that an indication of the end of the decoding is generated in any fashion."

Examiner disagrees with Applicant's narrow interpretation of "indication." After detecting whether the end of a region has been reached at block 310, Tyler's method then follows either of two paths, depending on whether the end of the region has been detected. If the end has been detected, flow continues to block 312 where additional region descriptors are loaded. However, the control program only proceeds to block 312 upon the activation of some sort of indication that the end of a region has been detected.

As is true in any computer-implemented method, when a process or function is executed, a result is produced. Here, block 310 performs the process of detecting whether the decoding of a region of interest has concluded. After the process associated with block 310 has determined that conclusion has occurred, it must provide an indication of its results in order for the program flow to continue. While the detection process is occurring, no indication is activated because no results have been achieved; but on completion of the task, an indication that YES, conclusion of decoding has been detected, or NO, it has not, is activated. The activation of such an indication is part of the logistics of performing a computer-implemented program with alternative decision steps.

Applicant asserts that Tyler does not provide an indication to a user, however, neither claim 1 nor claim 7 requires an indication to be provided to a user. Nonetheless, block 310 detects whether a region has been decoded and displayed, so an alternative interpretation of Tyler is that after block 310 detects that YES, completion of decoding of a region has occurred, the region of interest has been decoded and displayed to a user. Thus, after detecting completion at block 310, the entire region has been decoded and visually displayed to a user, thereby indicating that completion of that region has occurred.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,638,498 by Tyler et al. ("Tyler").

Regarding claims 1 and 7, Tyler discloses a method (figure 13, executed by the device 26 in figure 2) for alerting during the progressive decoding of a digital image coded with a region of interest (ROI), comprising the steps of:

detecting the end of decoding of the region of interest (block 310 detects whether a region of interest has finished decoding); and

activating of an indication of the end of decoding of the said region of interest (block 310: if the end of decoding the region of interest is detected, then an indication of "YES" is activated).

Regarding claims 2 and 8, Tyler discloses the method according to claim 1 characterised in that it further includes the stages of:

activation of an indication of the start of decoding of the said region of interest (block 302 activates an indication of "YES" for the start of decoding the region of interest), and

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activation of an indication of the progress of the decoding of the said region of interest (block 306: as the region of interest is decoded, it is outputted and displayed, thereby providing a visual indication of the progress of the decoding).

Regarding claims 3 and 9, Tyler discloses a method according to claim 1 or 2, characterised in that it further includes the stages of:

activation of an indication of decoding of the coded data of the image which are not in the said region of interest (block 310 detects when the region of interest has finished decoding; after decoding, the descriptors for another region are loaded at block 312; and the program flow continues to block 302, which activates an indication of “YES” when to start the decoding of the “another” region), and

activation of an indication of the end of decoding of the coded data of the image which are not in the said region of interest (block 310: if the end of decoding the “another” region is detected, then an indication of “YES” is activated).

Regarding claims 4 and 10, Tyler discloses a method according to claim 1 or 2, characterised in that the indication is a display of information data on a screen (figure 1: CRT 18).

Regarding claims 5 and 11, Tyler discloses a data receiving method/device incorporating the alerting method according to claim 1 or 2 (figures 1-3).

Regarding claims 6 and 12, Tyler discloses a method/device for progressive decoding of a digital image coded with a region of interest, incorporating the alerting method according to claim 1 or 2 (figures 1-3).

Regarding claim 13, Tyler discloses a device according to claim 7 or 8 characterised in that the detection and activation means are incorporated into:

- a microprocessor (26, figure 2);
- a read-only memory (30, figure 2) including a program for processing the data, and
- a random-access memory (28, figure 2) including registers suitable for registering variables modified in the course of the running of the said program.

Regarding claim 14, Tyler discloses an apparatus for processing a digital image, characterised in that it includes means suitable for implementing the method according to claim 1 or 2 (figure 1).

Regarding claim 15, Tyler discloses an apparatus for processing a digital image, characterised in that it includes the device according to claim 7 or 8 (figure 1).

Regarding claim 16, Tyler discloses a storage medium storing a program for alerting during the progressive decoding of a digital image coded with a region of interest according to claim 1 (ASIC, figure 2a).

Regarding claim 17, Tyler discloses a storage medium according to claim 16, characterized in that it is detachably mountable on a device according to claim 7 or 8 (i.e. ASICs are detachable integrated circuit chips).

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Regarding claim 18, Tyler discloses a storage medium according to claim 16, characterized in that it is a floppy disk or a CD-ROM (column 6, line 4: Tyler discloses the use of a floppy disk).

Regarding claim 19, Tyler discloses a computer program on a storage medium and comprising computer executable instructions for causing a computer to alert during the progressive decoding of a digital image coded with a region of interest according to claim 1 or 2 (i.e. Tyler discloses implementing the method in software).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (571) 272-7423. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia

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Au, can be reached on (571) 272-7414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CML
Group Art Unit 2623
21 April 2005



VIKKRAM BALI
PRIMARY EXAMINER